

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

ORBINET USA, LLC)

) File No. ITC-214-2001

Application for Global Authority Pursuant to)
Section 214 of the Communications Act)
of 1934, as amended, to Operate as an)
International Facilities-Based and Resale Carrier)
Between the United States and International Points)

APPLICATION

Orbinet USA, LLC (“Orbinet USA” or “Applicant”), by its undersigned counsel, hereby requests global authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (the “Act”), and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 (1998), to provide international telecommunications services between the United States and international points.

I. SUMMARY

Orbinet USA is a limited liability company organized under the laws of the state of Florida that plans to provide a variety of competitive international services between the United States and international points. Orbinet USA is not affiliated, as that term is defined by Part 63 of the Commission's Rules¹, with any dominant U.S. carriers whose international services Orbinet USA will resell, nor with any foreign carrier. Therefore, Orbinet USA should be classified as a non-dominant carrier for the provision of the services for which authority is requested in this Application, and Orbinet USA's Application is eligible for streamlined processing.

¹ 47 C.F.R. §63.18(h); *Market Entry and Regulation of Foreign-Affiliated Entities, Report and Order*, 11 FCC Rcd 3875 (1995) (*Market Entry Order*).

Orbinet USA herein requests two types of authority in this Application, both of which are eligible for streamlined processing under Section 63.12 of the Commission's Rules, 47 C.F.R. §63.12.² Specifically, Orbinet USA requests: (i) global facilities-based authority; and (ii) global authority to resell the international switched services of all U.S.-authorized carriers on all international routes on which the Commission permits such services to be provided now and in the future.

Orbinet USA believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas telecommunications services by, among other things, encouraging competitive pricing and creating more service options. A grant of this Application will therefore further the public interest.

II. INFORMATION REQUIRED UNDER SECTION 63.18

As required by Section 63.18 of the Commission's Rules, Orbinet USA submits the following information:

- (a) Name, address and telephone number of Applicant:

Orbinet USA, LLC
1655 NW 13 Avenue
Suite 101
Miami, FL 33169
Tel: (305) 532-7320
Fax: (305) 532-7320

- (b) Applicant is a limited liability company organized under the laws of Florida.

² Orbinet USA does not seek authority to serve countries or use facilities excluded by the Commission's Exclusion List.

- (c) Correspondence concerning this Application should be sent to:

José A. Palma
Ulises R. Pin
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 424-7646
Fax: (202) 424-7645

with a copy to:

Mr. Alberto Carrizosa
1655 NW 13 Avenue
Suite 101
Miami, FL 33169
Tel: (305) 532-7320
Fax: (305) 532-7320

- (d) Upon grant of this Application, Orbinet USA will become an authorized non-dominant carrier with global facilities-based and resale authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. Orbinet USA lacks the market power that would allow it to control prices to the detriment of market competition.
- (e) Orbinet USA specifically requests: (1) global facilities-based authority pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in half-circuits in U.S.-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points, except those countries excluded by the Exclusion List; and (2) global international resale authority pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all U.S.-authorized common carriers to provide international switched services between the United States and all international points served by those carriers.
- (f) Orbinet USA seeks the authority to provide only the services referenced under paragraph (e)(1) and (2) of Section 63.18 of the Commission's Rules.
- (g) The authority requested in this Application is categorically excluded from environmental processing as defined by Section 1.1306 of the Commission's Rules, 47 C.F.R. § 1.1306. As such, an environmental assessment is not required for purposes of this Application.
- (h)(1) Orbinet USA is not affiliated with any foreign carriers as that term is defined by the Commission's Rules.

- (2) Information regarding Orbinet USA's 10% or greater direct or indirect shareholders:

<u>Shareholder Name/Address</u>	<u>% Held</u>	<u>Citizenship</u>	<u>Principal Business</u>
Orbinet Services International, LLC 1655 NW 13 Avenue Suite 101 Miami, FL 33169 100%	100	USA	Investment

Information regarding Orbinet Services International, LLC's 10% or greater direct or indirect shareholders is:

<u>Shareholder Name/Address</u>	<u>% Held</u>	<u>Citizenship</u>	<u>Principal Business</u>
Inversiones JAAFE, S.A. Carrera 21 No. 94-88 Santa Fé de Bogotá Colombia	100%	Panama	Investment

Information regarding Inversiones JAAFE, S.A.'s 10% or greater direct or indirect shareholders is as follows:

<u>Shareholder Name/Address</u>	<u>% Held</u>	<u>Citizenship</u>	<u>Principal Business</u>
Julio Carrizosa Mutis Carrera 21 No. 94-88 Santa Fé de Bogotá Colombia	90%	Colombia	Investment

- (3) Applicant has no interlocking directorates to report.
- (4) Applicant certifies that it is not affiliated with any U.S. international carrier whose facilities-based services Orbinet USA seeks to resell (either directly or indirectly through the resale of another reseller's service). Therefore, Orbinet USA's application is subject to streamlined processing, pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12.

III. CONCLUSION

For the reasons stated above, Orbinet USA, LLC respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

José A. Palma
Ulises R. Pin
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Counsel for Orbinet USA, LLC

Dated: September 10, 2001

CERTIFICATION OF APPLICANT

I, Joaquín Miranda, hereby declare that I am President of Orbinet USA, LLC, that I am authorized to make this Verification on behalf of Orbinet USA, LLC, and, that I have read the foregoing Application and exhibits thereto. I declare that the same are true and correct to the best of my knowledge, information and belief.

I further certify, in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§1.2001-1.2003, that Orbinet USA, LLC, is not subject to a denial of Federal benefits that include FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998. *See* 21 U.S.C. § 853(a).

I further certify that, to the extent required by the Commission's Rules, Orbinet USA, LLC, has not agreed to accept any special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flow between the United States and various international points under the authority granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, and has not agreed to enter into such agreements in the future.

ORBINET USA, LLC

By: _____
Joaquín Miranda
President

Subscribed and sworn to before me this ____ day of September 2001.

Notary Public

My Commission expires: